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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/708,163	11/07/2000	Ji Zhang	CISCP194/3541	1039
22434	7590	01/05/2004	EXAMINER	
BEYER WEAVER & THOMAS LLP			PHILIPPE, GIMS S	
P.O. BOX 778			ART UNIT	
BERKELEY, CA 94704-0778			PAPER NUMBER	

2613

DATE MAILED: 01/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/708,163

Applicant(s)

ZHANG ET AL.

Examiner

Gims S Philippe

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### **DETAILED ACTION**

This is a first action in response to application no. 09/708,163 filed on November 7<sup>th</sup> 2000 in which claims 1-31 are presented for examination.

#### ***Abstract***

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The Abstract is objected to since it contains phraseologies such as "The present invention relates". Correction is required.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, 7-10, 13-20, 22-28, 30 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by McGraw, Sr. et al. (US Patent no. 5,577,042).

Regarding claims 1, 18, 23, 30 and 31, McGraw discloses a method and network device for providing first compressed video data unto a network (See Abstract and Fig. 1); comprising an embedder apparatus having a first embedder portion which embeds first compressed video data having a first compressed format in a transmission bitstream having a second compressed format (See McGraw col. 2, lines 57-67, col. 3, lines 1-20); and a transmitter that transmits the transmission bitstream having the second compressed format, the transmission bitstream including first compressed video data having the first compressed format (See col. 3, lines 25-41).

As per claims 2, 5, 7-10, 20, 22, 24, 25, most of the limitations of these claims have been noted in the above rejections of claims 1, 18, 23, 30 and 31. In addition, because McGraw discloses directing inputs of different signal formats to at least one application subsystem by directing the input signal to different output ports according to the information embedded in the signal in real time, it is considered inherent that providing a plurality of format converter is a must (See McGraw col. 3, lines 16-23, col. 22, lines 40-65, col. 26, lines 64-67, and col. 42, lines 48-67).

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As per claims 14 and 19, most of the limitations of these claims have been noted in the above rejections of claims 1 and 18. In addition, McGraw further provides the claimed network interface in col. 44, lines 46-49.

As per claim 15, the broadcast and presentation system of fig. 1, item 10 is the claimed "headend" (See McGraw col. 4, lines 43-46).

As per claims 16-17 and 26, most of the limitations of these claims have been noted in the above rejection of claim 14. In addition, McGraw device further provides a memory for storing the bitstream and a general-purpose computer (See McGraw col. 24, lines 27-55).

As per claim 13, the bit rate converter is suggested in McGraw col. 5, lines 3-6.

As per claims 3-4, 27, 28, a second compressed bitstream in a second format is suggested in McGraw col. 9, lines 43-67.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over McGraw, Sr. et al. (US Patent no. 5,577,042) in view of Lankford (US Patent no. 5,467,139).

As per claim 6, most of the limitations of this claim have been noted in the above rejection of claim 5.

It is noted that McGraw is silent about a scheduler comprised in the embedder as specified in claim 6.

However, Lankford discloses a device and network for providing compressed video data including the step of providing a scheduler comprised in the embedder (See Lankford col. 2, lines 41-50).

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying McGraw's embedder by incorporating Lankford's scheduler in the device and network for providing compressed video data. The motivation for performing such a modification in McGraw is to operate the system according to a predetermined schedule as taught by Lankford (See Lankford col.2, lines 45-47).

6. Claims 11-12, 21, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGraw Sr. et al. (US Patent no. 5,577,042) in view Wee et al. (US Patent no. 6,507,618).

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As per claims 11-12, 21, 29, most of the limitations of these claims have been noted in the above rejection of claims 1, 19 and 28.

It is noted that McGraw is silent about providing compressed video data wherein the format is either one of wavelet, fractal, H.26X, Real Network, MPEG-1, MPEG-2, MPEG-4 as specified.

However, Wee discloses a device and network for providing compressed video data including the step of providing compressed video data wherein the format is either one of wavelet, fractal, H.26X, Real Network, MPEG-1, MPEG-2, MPEG-4 (See Wee col. 7, lines 27).

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying McGraw embedder by incorporating compressed video data wherein the format is either one of wavelet, fractal, H.26X, Real Network, MPEG-1, MPEG-2, MPEG-4. The motivation for performing such a modification in McGraw is to be able to support a wide variety of systems, including video recording, video editing, cable and satellite service providers as taught by Wee (See Wee col. 7, lines 21-31).

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Grant et al. (US Patent no. 6553566) teaches viewer controlled multi-function system for processing television signals.

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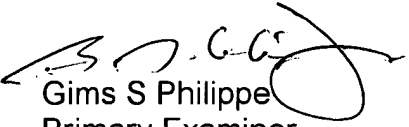
Rostoker et al. (US Patent no. 5729535) teaches method and apparatus for adapting a computer for wireless communications.

Chaddha et al. (US Patent no. 5768535) teaches software-based encoder for a software implemented end-to-end scalable video delivery system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gims S Philippe whose telephone number is (703) 305-1107. The examiner can normally be reached on M-F (9:30-7:00) Second Monday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris S Kelley can be reached on (703) 305-4780. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

  
Gims S Philippe  
Primary Examiner  
Art Unit 2613

GSP

December 30, 2003